

**SUMMARY OF H.R. 2443,**  
**The Coast Guard and Maritime Transportation Act of 2004**

**Title I – Authorization**

**Section 101. Authorization of appropriations**—authorizes funds for the Coast Guard in fiscal year 2005 as follows:

Operation and Maintenance	\$5,404,300,000
Acquisition, Construction and Improvement	\$1,500,000,000
Research, Development, Test and Evaluation	\$24,200,000
Retired Pay	\$1,085,460,000
Bridge Alteration	\$19,650,000
Environmental Compliance and Restoration	\$17,000,000
Coast Guard Reserve	\$117,000,000
<b>TOTAL</b>	<b>\$8,167,610,000</b>

The bill authorizes \$1.1 billion for the Integrated Deepwater System, the Coast Guard's ship, plane and communication replacement program. This level would get the program on track for a 15-year timeline, 5 years ahead of the original 20-year timeline.

**Section 102. Authorized levels of military strength and training**—authorizes 45,500 active duty Coast Guard personnel for Fiscal Years 2004 and 2005.

**Title II – Coast Guard Management**

**Section 201. Long-term leases**—allows the Commandant to enter into leases of up to 20 years for Coast Guard property with 1) the Coast Guard Academy Alumni Association to construct an Alumni visitor facility at the Coast Guard Academy; and 2) non-Federal entities to carry out cooperative agreements under Section 4 (e) of the Ports and Waterways Safety Act.

**Section 202. Nonappropriated fund instrumentalities**—provides authority for Coast Guard exchanges and morale, welfare, and recreation system to enter into contracts for goods and services.

**Section 203. Term of enlistments**—authorizes the Commandant of the Coast Guard to accept original enlistments and reenlistments for other than full years.

**Section 204. Enlisted member critical skill training bonus**—authorizes the Coast Guard to offer an incentive bonus to encourage enlisted members to enter certain critical skill specialties.

**Section 205. Indemnity for disabling vessels liable to seizure or examination**—eliminates the requirement to fire a warning shot as a condition precedent to indemnification under 14 U.S.C. 637, when use of a warning shot is not practical.

**Section 206. Administrative, collection and enforcement costs for certain fees and charges**—coordinates the statutory provisions governing fees and charges currently levied by the Coast Guard for services furnished under subtitle II of title 46 and under title 14, United States Code.

**Section 207. Expansion of Coast Guard housing authorities**—provides the Coast Guard with the same direct loan authority for the acquisition and construction of housing currently available to the Department of Defense.

**Section 208. Requirement for constructive credit**—reduces the amount of mandatory constructive credit granted to a Reserve Law Specialist.

**Section 209. Maximum ages for retention in an active status**—changes the mandatory age at which a Reserve officer is transferred to the Retired Reserve from sixty-two years of age to sixty years of age.

**Section 210. Travel card management**—authorizes the Coast Guard to use pay offsets to recover delinquent amounts owed by employees who hold travel charge cards.

**Section 211. Coast Guard detailees**—requires the Coast Guard to provide a comparison of the Coast Guard fellowship program and other Federal congressional detailee programs.

**Section 212. Long-term lease of special use real property**—authorizes the Secretary to enter into long-term leases for up to 20 years for special use real property.

**Section 213. National Coast Guard Museum**—authorizes the Commandant of the Coast Guard to establish a National Coast Guard Museum to be located in New London, Connecticut.

**Section 214. Limitation on number of commissioned officers**—temporarily increases the authorized cap on Coast Guard officers to 6,700 officers.

**Section 215. Redistricting notification requirement**—requires the Coast Guard to notify Congressional committees before permanently transferring personnel or equipment away from a District Office to which they were previously assigned.

**Section 216. Report on shock mitigation standards**—requires the Coast Guard to report possible standards for decking material in order to mitigate adverse effects of shock and vibration of Coast Guard vessels on crew members.

**Section 217. Recommendations to Congress by Commandant of the Coast Guard**—authorizes the Commandant of the Coast Guard to make recommendations to the Congress without the direction and guidance of the Administration.

**Section 218. Coast Guard education loan repayment program**— allows the Secretary to repay certain loans incurred by active enlisted members of the Coast Guard for purposes of higher education.

**Section 219. Contingent expenses**— increases the funding level authorized for Coast Guard contingent expenses.

**Section 220. Reserve admirals**—clarifies language to ensure that reserve rear admiral may serve a full, four year term of service at the rank of reserve rear admiral or rear admiral (lower half).

**Section 221. Confidential investigative expenses**— increases the funding level authorized for Coast Guard confidential investigative expenses.

**Section 222. Innovative construction alternatives**— authorizes the Coast Guard to consult with the Office of Naval Research and other Federal agencies with research and development programs that may provide innovative construction alternatives for the Integrated Deepwater System.

**Section 223. Delegation of port security authority**— authorizes the President to delegate the authority to issue rules and regulations under 50 U.S.C. 191 to the Secretary of the department in which the Coast Guard is operating. 50 U.S.C. 191 allows for the emergency regulation of vessels in time of national emergency.

**Section 224. Fisheries enforcement plans and reporting**— requires the Coast Guard and the National Oceanographic and Atmospheric Administration to improve their consultations with each other and with State and local authorities in setting priorities for and coordinating the enforcement of fisheries laws and regulations.

**Section 225. Use of Coast Guard and military child development centers**— allows members of the Coast Guard and the military services to use both Coast Guard and military child development centers where available and with reimbursement.

**Section 226. Treatment of Property Owned by Auxiliary Units and Dedicated Solely for Auxiliary Use**— allows the Coast Guard to reimburse the Coast Guard Auxiliary for the operation, maintenance, repair, or replacement of the Auxiliary property used exclusively to assist with Coast Guard missions.

### **Title III – Navigation**

**Section 301. Marking of underwater wrecks**— permits sunken wrecks to be marked without using a lighted buoy.

**Section 302. Use of electronic devices; cooperative agreements**– prohibits the use on vessels of electronic or other devices that interfere with a vessel’s communication or navigation equipment.

**Section 303. Inland navigation rules promulgation authority**– removes the Inland Navigation Rules from statute once those rules are established by regulation.

**Section 304. St. Lawrence Seaway**– clarifies that the Secretary of Transportation implements the Ports and Waterways Security Act on the St. Lawrence Seaway.

#### **Title IV – Shipping**

**Section 401. Reports from charterers**– gives the Secretary the authority to require reports from vessel charterers as well as owners and masters.

**Section 402. Removal of mandatory revocation for proved drug convictions in suspension and revocation cases**– gives the Coast Guard discretion to take actions other than revocation of merchant mariner's credentials in cases involving minor drug offenses.

**Section 403. Records of merchant mariners’ documents**– strikes the prohibition on “general or public inspection” of merchant mariners’ documents (MMDs).

**Section 404. Exemption of unmanned barges from certain citizenship requirements**– exempts unmanned barges from the requirement that all documented vessels be under the command of a citizen of the United States.

**Section 405. Compliance with international safety management code**– requires foreign flag vessels calling at U.S. ports to comply with the International Safety Management Code.

**Section 406. Penalties**– increases civil penalties for violation of recreational boating safety standards designed to prohibit the knowing manufacture, construction, assembly, sale, introduction, or false certification of defective vessels or vessel components, and establishes criminal penalties for a person or who knowingly and willfully violates a Coast Guard notification of deficiency.

**Section 407. Revision of temporary suspension criteria in document suspension and revocation cases**– allows the Coast Guard to temporarily suspend or revoke a merchant mariner’s credentials if the mariner has been convicted of certain National Driver Register Act offenses.

**Section 408. Revision of bases for document suspension and revocation cases**– allows the Coast Guard to suspend or revoke a merchant mariner’s credentials if the mariner commits an act of incompetence, or presents a security risk.

**Section 409. Hours of service on towing vessels**– allows the Coast Guard to prescribe regulations governing maximum hours of service for individuals working on a towing vessel.

**Section 410. Electronic charts**– requires certain classes of vessels to be equipped with and be able to operate electronic navigational charts.

**Section 411. Prevention of departure**– allows the Coast Guard to ensure that a passenger vessel calling on a U.S. port complies with the International Convention for the Safety of Life at Sea (SOLAS) so long as a U.S. citizen passenger is aboard.

**Section 412. Service of foreign nationals for maritime educational purposes**– authorizes foreign nationals enrolled at the United States Merchant Marine Academy to work on U.S.-flag vessels for purposes of fulfilling educational requirements for graduation from the Academy.

**Section 413. Classification societies**– requires the Coast Guard to approve a classification society that reviews or certifies the construction, repair, or alteration of a vessel while in the United States.

**Section 414. Drug testing reporting**– requires Federal agencies to submit results of positive drug tests and verified test violations from civilian and certain uniformed personnel employed aboard Federally-operated vessels to the Coast Guard.

**Section 415. Inspection of towing vessels**– allows the Coast Guard to prescribe regulations to require the inspection of towing vessels.

**Section 416. Potable water**– requires vessels subject to inspection by the Coast Guard to have an adequate supply of potable water for drinking and washing.

**Section 417. Transportation of platform jackets**– assures that U.S. launch barges will be used to construct oil rigs in U.S. waters if such U.S. vessels are available.

**Section 418. Renewal of advisory groups**– reauthorizes seven Coast Guard regional navigation advisory groups.

## **Title V – Federal Maritime Commission**

**Section 501. Authorization of appropriations for Federal Maritime Commission**– authorizes appropriations for the Federal Maritime Commission for each fiscal year 2005 through 2008.

**Section 502. Report on ocean shipping information gathering efforts**– requires the Federal Maritime Commission to report to Congress regarding the sharing of ocean shipping information with Federal, State, and local government agencies to assist law enforcement and anti-terrorism efforts.

## **Title VI – Miscellaneous**

**Section 601. Increase in civil penalties for violations of certain bridge statutes–** increases the civil penalties for violations of navigation right of ways by bridge owners.

**Section 602. Conveyance of decommissioned Coast Guard cutters–** conveys three decommissioned Coast Guard vessels for historical display purposes to nonprofit corporations in Michigan, California, and Minnesota.

**Section 603. Tonnage Measurement–** allows the Coast Guard to waive certain manning requirements for two vessels if such a waiver would not compromise safety.

**Section 604. Operation of vessel STAD AMSTERDAM–** authorizes the vessel STAD AMSTERDAM to carry non-paying guests within U.S. waters for no more than 45 calendar days a year.

**Section 605. Great Lakes National Maritime Enhancement Institute–** authorizes a National Maritime Enhancement Institute in the Great Lakes region.

**Section 606. Koss Cove–** designates a cove lying off the southern coast for Erlington Island in Alaska as “Koss Cove”, in honor of the late Able Bodied Seaman Eric Steiner Koss. Seaman Koss served aboard the National Oceanic and Atmospheric Administration vessel RAINIER, and died in the performance of a nautical charting mission in this cove.

**Section 607. Miscellaneous certification of documentation–** provides coastwise trade endorsements for four U.S.-flag, U.S.-owned vessels.

**Section 608. Regulations–** protects U.S.-owned, -flagged, and -crewed vessels by clarifying that foreign firms can finance, but not operate, ships in the coastwise trade, and grandfathers certain foreign chartered vessels currently permitted to operate in U.S. waters.

**Section 609. Correction of references to National Driver Register–** makes technical corrections to the National Driver Register Act of 1982 (23 U.S.C. 401 note).

**Section 610. Wateree River–** designates a portion of the Wateree River in South Carolina to be non-navigable waters for purposes of bridge administration.

**Section 611. Merchant Mariners’ documents pilot program–** authorizes the Coast Guard is operating to establish a pilot program to improve processing and procedures for issuing merchant mariners’ documents.

**Section 612. Conveyance**—conveys the certain real property to the entity that received ownership of the light station situated on that property through the competitive process outlined by the National Historic Lighthouse Preservation Act (16 U.S.C. 470w-7).

**Section 613. Bridge administration**—removes the prohibition on certain projects which would interfere with the reasonable needs of navigation on the Columbia Slough, Oregon.

**Section 614. Sense of Congress regarding carbon monoxide and watercraft**—expresses the sense of the Congress that the Coast Guard should continue to place a high priority on addressing the safety risks posed to boaters by elevated levels of carbon monoxide.

**Section 615. Mitigation of penalty due to avoidance of a certain condition**—mitigates the penalty of two Jones Act violations that resulted from concerns about the safety of cruise ship passengers.

**Section 616. Deeming of certain vessels to be tour vessels**—allows vessels meet certain criteria to operate in Glacier Bay National Park and Preserve, Alaska as tour vessels if tour vessel permits are available.

**Section 617. Sense of congress regarding timely review and adjustment of Great Lake pilotage rates**—expresses the sense of the Congress that the Coast Guard should, on a timely basis, review, and adjust the rates payable for services performed by U.S. registered pilots on the Great Lakes.

**Section 618. Westlake chemical barge documentation**—allows the Coast Guard to issue certificates of documentation with coastwise endorsements for ten U.S. built, U.S.-owned barges owned by the Westlake Chemical Corporation of Houston, Texas.

**Section 619. Correction to definition**—makes a clerical amendment to correctly reference the Coast Guard.

**Section 620. LORAN-C**—authorizes \$35,000,000 for the operation of the LORAN-C system for fiscal year 2005.

**Section 621. Deepwater report**—requires the Coast Guard to report on the implementation of the Integrated Deepwater System contract.

**Section 622. Judicial review of national transportation safety board final orders**—clarifies that the Coast Guard has the authority to appeal final orders issued by the National Transportation Safety Board (NTSB) regarding maritime cases.

**Section 623. Interim authority for dry bulk cargo residue disposal**—extends interim authority to dispose of non-hazardous, non-toxic dry bulk residues while transiting on waters of the Great Lakes until September 30, 2008.

**Section 624. Small passenger vessel report**– requires the Coast Guard to submit a report regarding enforcement efforts with respect to small passenger vessel safety requirements.

**Section 625. Conveyance of motor lifeboat**– conveys a specific, decommissioned Coast Guard 44-foot Motor Life Boat to the City of Luddington, Michigan.

**Section 626. Study on routing measures**– requires the Coast Guard to cooperate with the National Oceanic and Atmospheric Administration in analyzing potential routing measures to minimize the incidents of vessel strikes of North Atlantic Right Whales

**Section 627. Conveyance of light stations**– require the Secretary of Interior to oversee and review the transfer, sale or conveyance of a lighthouse by an owner who originally received ownership of the lighthouse in manner other than that prescribed by the National Historic Lighthouse Preservation Act.

**Section 628. Waiver**– authorizes the Coast Guard to waive the application of the definition of “passenger” for one of two adult chaperones aboard vessels owned or chartered by the Boy Scouts of America if such a waiver does not compromise safety.

**Section 629. Approval of Modular Accommodation Units for Living Quarters**– requires the Coast Guard to approve for a period of five years modular accommodation units on floating offshore facilities that had previously been approved using incorrect criteria.

## **Title VII – Amendments relating to Oil Pollution Act of 1990**

**Section 701. Vessel response plans for nontank vessels over 400 gross tons**–requires non-tank vessels of 400 gross tons and greater to prepare vessel response plans.

**Section 702. Requirements for tank level and pressure monitoring devices**– makes discretionary the issuance of regulations regarding the carriage of tank level and pressure monitoring devices on oil cargo tanks.

**Section 703. Liability and Cost Recovery**– makes changes to definitions in the Oil Pollution Act of 1990 (OPA) to conform the defenses against liability under that Act with those under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 U.S.C. 9601).

**Section 704. Oil Spill Recovery Institute**– makes a clarifying amendment to the Oil Pollution Act of 1990 to make October 1, 2012 the date that funding authorized for the Prince William Sound Oil Spill Recovery Institute be made available for oil removal costs and damages in Alaska.



**Section 705. Alternatives**– requires establishment and publication of an environmental equivalency evaluation index to assess overall outflow performance due to collisions and groundings for double hull tank vessels and alternative hull designs.

**Section 706. Authority to settle**– conforms Coast Guard and EPA authorities to settle claims under the Oil Pollution Act of 1990.

**Section 707. Report on implementation of the Oil Pollution Act of 1990**– directs the Coast Guard to report on implementation of the Oil Pollution Act of 1990.

**Section 708. Loans for fishermen and aquaculture producers impacted by oil spills**– establishes a loan program to provide interim assistance to fishermen and aquaculture producer Oil Pollution Act claimants.

## **Title VIII – Maritime Transportation Security**

**Section 801. Enforcement**– expressly authorizes members of the Coast Guard to carry firearms and while at shoreside facilities, make warrantless arrests and seize property as provided by law. This section also authorizes State and local officers to arrest persons suspected of violating federal security zone regulations provided that States have already authorized those officers to enforce federal port security measures.

**Section 802. In rem liability for civil penalties and costs**– establishes in rem liability for any vessel used to violate regulations issued under the authorization of the Maritime Transportation Security Act.

**Section 803. Maritime information**– requires the Coast Guard to develop long-range vessel tracking system consistent with international treaties, conventions, and agreements to which the United States is a party. The section also requires the Secretary of the department in which the Coast Guard is operating to develop a plan to improve the collection, collaboration, coordination, dissemination and use of maritime information by Federal agencies.

**Section 804. Maritime transportation security grants**– amends the maritime transportation security grant program to reflect the way in which the program has been funded and administered.

**Section 805. Security Assessment of Waters under the Jurisdiction of the United States**– directs the Secretary to, within one year of the enactment of the Act, conduct vulnerability assessments of waters adjacent to nuclear facilities in the United States. This section does not direct the Coast Guard to conduct assessments of the nuclear facilities.

**Section 806. Membership of Area Maritime Security Advisory Committees**– requires that representatives of the port industry, terminal operators, labor organizations

at the ports, and other users be included as members of Area Maritime Security Advisory Committees.

**Section 807. Joint operational centers for port security**— requires the Coast Guard to report on the establishment of joint operational centers for port security, and estimate the number, location and costs of such centers that would be necessary to carry out the Maritime Transportation Security Act of 2002.

**Section 808. Investigations**— authorizes department in which the Coast Guard is operating to conduct investigations and pilot projects to enhance the security at American ports, and authorizes \$35 million for grants and to demonstrate methods of improving port security

**Section 809. Vessel and intermodal security reports**— requires the Secretary of the department in which the Coast Guard is operating to provide reports, plans, and evaluations regarding the security of maritime intermodal transportation, specifically the security of cargo containers.